

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES OF  
THE MIAMI BEACH EMPLOYEES' RETIREMENT PLAN  
OF THE CITY OF MIAMI BEACH  
June 9, 2009

Chairman Boyd called the meeting to order at 10:10 a.m.

Board Members present were as follows:

James Boyd	Jose Cruz	Hilda Fernandez
	Warren Green	Reinaldo Horday
Richard McKinnon	Jonathan Sinkes	
Members absent -	Patricia Walker	Jorge Gomez

Also present were:

Steve Cypen	Legal Counsel
David Farrand	Legal Counsel
Rick Rivera	Pension Administrator
Paco Basantes	Disability applicant
Sherry Roberts	Resident, Candidate for MB Commissioner
James Pestana	MBERP Disability retiree
Eric Berger	Attorney for James Pestana

CONSENT AGENDA

There was a discrepancy regarding the property management City bill for the amount of \$3,091.15. The Administrator said he would research the matter and place the corrected invoice on next month's board agenda.

A motion was made by Ms. Fernandez, duly seconded by Mr. Sinkes, and unanimously

RESOLVED That the Consent Agenda be approved as presented less the property management bill in the amount of \$3,091.15.

CONSENT AGENDA

C-1 The Minutes of the May 5, 2009 Board Meeting were approved as presented.

C-2 New Members were approved as follows -

<u>NAME</u>	<u>ID #</u>	<u>CLASSIFICATION</u>	<u>Union</u>	<u>DATE OF HIRE</u>
Rima Gerhard	19416	Bldg. Permit Info.	Unc.	04/20/2009
Rebecca Wakefield	19422	Office Assoc. V	Unc.	04/27/2009

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## C-3 New Retiree Allowances were approved as follows -

<u>Name</u>	<u>Date of Retirement</u>	<u>Retirement Type</u>	<u>Amount</u>
Demerite Pierre-Louis	06/01/2009	Ordinary Serv. Ret.	\$2,677.22
Greta Cherry	06/01/2009	Jnt. Serv. Ret. (66.67%)	\$2,517.30

## C-4 New Pensioner Allowances were approved as follows - None

## C-5 Requests for Lump Sum Refunds were approved as follows -

<u>Name</u>	<u>Separation Date</u>	<u>Amount</u>	<u>Reason</u>
Quentin Collins	10/24/2004	\$577.98	Resignation
Michelle Kuperman	05/14/2009	\$3,955.72	Resignation

## C-6 Request for Accumulated Contribution Refund for a Named Beneficiary was approved as follows - (none)

## C-7 Purchases of Creditable Service Time were approved as follows-

	<u>Date</u>	<u>YEAR PURCHASED</u>	<u>HOURS USED</u>	<u>CASH USED</u>	<u>Leave AMOUNT</u>
Antonio Bernardo-Arcay	04/29/2009	0.50	87.24		\$1,459.20
Victor Montenegro	06/03/2009	0.50	128.12		\$3,410.67

## C-8 Request for up to Two (2) years of additional creditable service were approved as follows -

<u>NAME</u>	<u>SWORN STATEMENT SIGNED &amp; NOTARIZED</u>	<u>2 YEAR BUYBACK APPLICATIONS</u>		<u>SERVICE PURCHASED</u>
		<u>PRIVATE SECTOR</u>	<u>APPLICATION/RESUME or additional back up</u>	
Mercilien Theogene	Yes	X	X	2.0
Glassome Wint	Yes	X	X	2.0
Damian Janee	Yes	X	X	2.0
Kathy Brooks	Yes	X	X	2.0
Eduardo Inirio	Yes	X	X	2.0
Rick Rivera	Yes	X	X	2.0

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## C-9 DROP applicants were approved as follows -

Name	Effective Retirement	Estimated Monthly Benefit Calculation	Last DROP Deposit
Lavulla Jones	06/01/2009	\$3,625.00	05/01/2012
Clifton Leonard	06/01/2009	\$4,428.00	05/01/2012
Joseph Fisher	06/01/2009	\$5,739.82	05/01/2012
Valerie Hanson	06/01/2009	\$1,400.00	05/01/2012
Kerry Hernandez	06/01/2009	\$4,419.00	05/01/2012

## C-10 Lump Sum Refunds Paid since the last meeting were approved as follows -

Name	Date of Check	Voucher	Check Amount	IRS Tax Payment
Jessica Zamora	05/11/2009	111192	\$ 4,159.50	\$ 1,039.88
FBO - Marcos Bermudez	05/11/2009	111193	\$ 24,451.51	IRA Rollover
Joshea Mark	05/13/2009	111194	\$ 8,153.14	\$ 2,038.29

## C-11 The Financial Reports were approved as presented.

## C-11 Requests for Payment were approved as presented.

Steve Cypen- Legal fees	
Retainer for the month of June 2009	\$ 4,500.00
Joan Wall- Bookkeeping	
Bookkeeping services for the month of June 2009	\$ 300.00
GRS- Actuary Evaluation Fees	
Per Inv.#108194 for Actuarial Evaluation Report	\$ 5,022.00
Goldstein, Schechter, Koch- Auditors	
F/Y 9/30/08 Per Invoice# 61920	\$ 3,000.00
Office Depot- office supplies	
Invoice# 473836407-001,474766596-001	\$ 343.28
SBS Miami Lakes - Copier	
Per invoice # 124983743 for the month of May	\$ 259.69
CMB Property Management-	
For the month of April 2009 Inv# 00012264	\$ 3,091.15
CMB Information Technology- Computer & Phone Use	
For the month of May 2009 Inv# 00012469	\$ 2,517.36
IDD- Monthly storage fees	
Per invoice # 041877	\$ 93.92
State Office of Vital Statistics- misc. exp	
Request for death certificate	\$ 7.00
Boca Raton Resort - Conf. & Edu.	
Hotel reservations for FPPTA Conference for Rick Rivera	\$ 474.00

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Boca Raton Resort - Conf. & Edu.	\$	459.00
Hotel reservations for FPPTA Conference		
For Warren Green		
Transfers on behalf of employees:		
David Price ID# 18174	\$	7,700.06

REGULAR AGENDA

R-1 Deferred Items -

- A. James Pestana Pension Offset - The Administrator provided the Board a schedule detailing Mr. Pestana's monthly offset, total amount due to the Fund, monthly pension amount and Worker's Comp. payment information. The Administrator stated that Mr. Pestana owed the Fund approximately \$41,179.59. Mr. Pestana requested that the Board consider allowing him to keep a net amount of approximately \$1,000. per month.

Ms. Hernandez used the pension conference chalk board to detail a proposed payment schedule that included a monthly pension offset amount of \$718.72 and a monthly re-payment to the fund of \$700. A discussion ensued. The Board proposed that a flat 6% interest rate be used in a re-payment amortization schedule. The Board proposed that during the re-payment period Mr. Pestana's cost-of-living-adjustment (COLA) be applied to the amount due.

In an open session Mr. Pestana and his attorney, Eric Berger, consented to the terms as outlined on the conference room chalk board. Mr. Cypen instructed the Administrator to make the chalkboard outline part of the official record. The Administrator was instructed to develop an amortization table for Mr. Pestana's loan and distribute the table to Mr. Pestana and his attorney.

A motion was made by Ms. Fernandez, duly seconded by Mr. Green and unanimously

RESOLVED	that the repayment schedule for Mr. Pestana outlined at today's meeting be accepted by the Board with a monthly repayment amount of \$700, interest rate of 6%, total amount to be repaid of \$41,179.59 and that Mr. Pestana forgo his COLA until the repayment period is over.
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R-2 New Items

- A. Informal Disability Hearing for Paco Basantes for Ordinary Service - The Board reviewed Mr. Basanetes' Ordinary Service Disability application. Mr. Basantes presented the Board a Typed summary of his psychiatric evaluation and treatment from his physician, Dr. Mark Barnett. Mr. Basantes said that at the last meeting a comment had been made that Dr. Barnett's summary was illegible.

A motion was made by Ms. Fernandez, duly seconded by Mr. Green and unanimously

RESOLVED that the letter dated May 19, 2009 from Doctor R. Barnett, M.D. be added to Paco Basantes' disability package starting with page 319.

Chairman Boyd stated that he would like clarification on why Dr. Vasquez had signed the medical summary stating that Mr. Basantes' disability was probably permanent yet he had not checked off the box on his report of physical examiner. A question arose regarding if the City currently had available any job openings for Mr. Basantes. The Administrator was instructed to contact the medical board and get clarification on Dr. Vasquez's medical summary and contact the Human Resources department to verify that there are no positions currently available for Mr. Basantes based on his qualifications.

A motion was made by Mr. McKinnon, duly seconded by Mr. Horday and unanimously

RESOLVED that Mr. Basantes' informal disability hearing be deferred until further information is obtained by the Administrator and provided to the Board.

- B. Fiduciary Liability Insurance Information - The Administrator provided the Board comparative Fiduciary Liability Insurance information for other municipalities along with estimated premium changes if the current limit was reduced from \$10M to \$5M. The Board requested that the Administrator contact the Miami Beach Police & Fire Administrator and obtain contact information for their Fiduciary Liability Insurance carrier to see if a better deal could be negotiated.

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- A motion was made by Mr. Green, duly seconded by Mr. Cruz and unanimously

A motion was made by Mr. Green, duly seconded by Mr. McKinnon and unanimously

RESOLVED                   that Chairman Boyd not execute the ICMA Contract and that he review the ICMA fee schedule and report this information back to the Board next month.

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- E. Merit consideration for Administrator - Chairman Boyd stated that he had met with the Administrator regarding his merit consideration. The Administrator said that he was preparing historical information for the Board to have detailing average merit and COLA increases for all unclassified employees for this fiscal year. The Chairman asked that this item be deferred until next month.
- F. Application for two (2) year buyback for Pension Administrator - The Board reviewed the Administrator's application for a two (2) year buyback.

A motion was made by Mr. Green, duly seconded by Mr. McKinnon and unanimously

RESOLVED                      that the Administrator's two (2) year buyback application be approved as presented.

R-3 Other Business

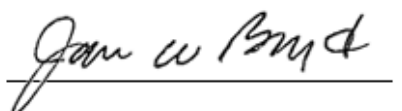
- A. Administrator's Report - A discussion ensued regarding possible future investment options for the Fund. The Administrator was requested to contact the Fund consultant Bill Cottle and ask his opinion about alternative investments and growth style investments as possible future investment options for the Plan.

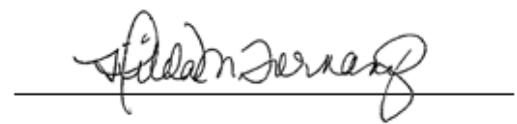
R-5 For Your Information

Chairman Boyd and Mr. Cypen reviewed For Your Information.

There being no further business to discuss, a motion was made by Mr. Horday duly seconded by Mr. Cruz and unanimously

RESOLVED                      That the meeting be adjourned. The meeting was adjourned at 12:18 p.m.

  
James Boyd, Chairman

  
Hilda Fernandez, Secretary